

Commonwealth of Massachusetts  
SUFFOLK SUPERIOR COURTCase Summary  
Civil DocketSUCV2007-04871  
Massachusetts v Equity Residential Management LLC

File Date	11/05/2007	Status	Disposed: transferred to other court (dtrans)
Status Date	01/10/2008	Session	E - Civil E, 3 Pemberton Sq, Boston
Origin	1 - Complaint	Case Type	D01 - Specific performance of contract
Track	A - Average track	Lead Case	Jury Trial Yes

## DEADLINES

	Service	Answer	Rule12/19/20	Rule 15	Discovery	Rule 56	Final PTC	Judgment
Served By			03/04/2008	12/29/2008	10/25/2009	11/24/2009		
Filed By	02/03/2008	03/04/2008	04/03/2008	01/28/2009		12/24/2009		10/20/2010
Heard By			05/03/2008	01/28/2009			04/23/2010	

## PARTIES

## Plaintiff

Commonwealth of Massachusetts  
Active 11/05/2007

## Private Counsel 647238

Sheilla Creaton Kelly  
Mass Atty General's Office  
One Ashburton Place  
Boston, MA 02108  
Phone: 617-727-2200  
Fax:  
Active 11/05/2007 Notify

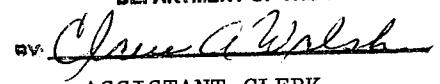
## Defendant

Equity Residential Management LLC  
Served: 12/10/2007  
Served (answr pending) 12/17/2007

## Private Counsel 600362

Christa von der Luft  
Nutter McClellan & Fish  
World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02110-2604  
Phone: 617-439-2000  
Fax: 617-973-9748  
Active 01/10/2008 Notify

## ENTRIES

Date	Paper	Text	THEIRBY ATTEST AND CERTIFY ON JAN. 15, 2008 THAT THE FOREGOING DOCUMENT IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE, AND IN MY LEGAL CUSTODY.
11/05/2007	1.0	Complaint filed with request for trial by jury	MICHAEL JOSEPH DONOVAN CLERK / MAGISTRATE SUFFOLK SUPERIOR CIVIL COURT DEPARTMENT OF THE TRIAL COURT
11/05/2007		Origin 1, Type D01, Track A.	
11/05/2007	2.0	Civil action cover sheet filed	
11/05/2007	3.0	Plaintiff Commonwealth of Massachusetts's MOTION for appointment of Quinton Dale, Director as special process server allowed (Hines,J)	
12/17/2007	4.0	SERVICE RETURNED: Equity Residential Management LLC(Defendant) (certified mail on 12/17/07)	By  ASSISTANT CLERK.
01/10/2008		Copy of petition for removal to U. S. Dist. Court of Deft. Equity Residential Management LLC, U. S. Dist.#(108-CV-10002RCL).	
01/10/2008		Case REMOVED this date to US District Court of Massachusetts	

## EVENTS

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
CIVIL ACTION No.

07-4871-E

COMMONWEALTH OF  
MASSACHUSETTS,

Plaintiff,

v.

EQUITY RESIDENTIAL MANAGEMENT,  
LLC,

Defendant.

**COMPLAINT**

SUFFOLK SUPERIOR COURT  
CIVIL ACTION NO.  
2007 NOV - 5 PM 4:23  
MICHAEL JOSEPH DOMINA  
CLERK/MAGISTRATE

**INTRODUCTION**

The Commonwealth of Massachusetts, by and through its Attorney General Martha Coakley, brings this action pursuant to G.L. c. 151B, §§ 5 and 9, and G.L. c. 12, § 10 against Equity Residential Management Corp. ("Equity" or the "Defendant"), for unlawful housing discrimination on the basis of disability. The Defendant violated G.L. c. 151B, § 4 by denying a reasonable accommodation to James Lauper, a disabled person who requires two companion dogs, and refusing to rent him an apartment because of the property's no pet policy. The Commonwealth seeks injunctive relief and damages against the Defendant to redress its discriminatory practices.

**PARTIES**

1. The Commonwealth of Massachusetts, through its Attorney General, is located at One Ashburton Place, Boston, Massachusetts.
2. Defendant Equity Residential Management Corp. is the managing agent for the owner of the Emerson Place Apartments, located at 5 Longfellow Place, Boston,

Massachusetts, which is a 444-unit apartment community. Equity's principal place of business is at Two North Riverside Plaza, Suite 400, Chicago, Illinois.

**JURISDICTION AND VENUE**

3. Jurisdiction is conferred on this Court by G.L. c. 151B, §§ 5 and 9, and by its general equity powers set forth in G.L. c. 214, § 1.

4. Pursuant to G.L. c. 151B, § 5, venue lies in Middlesex County because it is the county in which the discriminatory and unlawful conduct occurred.

5. On March 26, 2007, James Lauper, filed a complaint with the Boston Fair Housing Commission ("BFHC") against the Defendant. The complaint was concurrently filed with the Massachusetts Commissions Against Discrimination and Department of Housing and Urban Development.

6. On September 12, 2007, BFHC issued a probable cause finding under City of Boston Code, Ordinances, Title 10, sec. 154 (1982), as amended by St. 1994, c. 37 and St. 1998, c. 165; and G.L. c. 151B, § 4, that the Defendant unlawfully discriminated against Mr. Lauper on the basis of his disability by failing to provide a reasonable accommodation.

**FACTS**

7. James Lauper is a disabled man who suffers from a heart condition and diabetes. He requires two companion dogs. He is a recipient of Social Security Income ("SSI") and resides at 81 Orton Marotta Way, South Boston, Massachusetts.

8. In January 2007, Lauper noticed an advertisement for affordable apartment units at the Emerson Building, located at 5 Longfellow Place, Boston,

Massachusetts ("the Property"). The advertisement indicated that selection of tenants for units at the Property would be done by a lottery system.

9. Shortly thereafter, Mr. Lauper contacted the Defendant to obtain an apartment rental application for the Property. Mr. Lauper spoke with one of the Defendant's rental agents and informed her that he would like to apply to rent an apartment at the Property and that he was disabled and had two companion dogs. The agent informed Mr. Lauper that the Property had a strict no-pet policy that had been in place since 1998, but that his dogs would not be a problem.

10. Mr. Lauper filled out and submitted a rental application to the Defendant on January 25, 2007. On his application, Mr. Lauper indicated that he was a disabled person.

11. On or about February 1, 2007, approximately one day before the application deadline, another of Defendant's employee Kelly Wollinger, telephoned Mr. Lauper and left him a voicemail message stating that the Property's no-pet policy does not allow dogs and that Mr. Lauper would not be able to rent an apartment and that she was sorry.

12. On or about February 16, 2007, Mr. Lauper submitted to the Defendant a written request for a reasonable accommodation asking the Defendant to make an exception to the no-pet policy and allow Mr. Lauper to keep his companion dogs as a reasonable accommodation to his disability. Mr. Lauper's medical need for the dogs is supported by the letter from his physician, dated May 8, 2007.

13. The Defendant failed to respond to Mr. Lauper's request for a reasonable accommodation and failed to provide him with any updates on the status of his application.

**STATEMENT OF CLAIMS**

**Unlawful Housing Discrimination Based on Disability**

14. The Commonwealth of Massachusetts realleges and incorporates paragraphs 1 through 13.

15. The property at 5 Longfellow Place, Boston, Massachusetts falls under the term "housing or housing accommodations" as defined in G.L. c. 151B, § 1(9).

16. Mr. Lauper suffers from a disability that is a physical and psychological impairment that substantially limits one or more of his major life activities and is "handicapped" as defined in G.L. c. 151B, § 1(17).

17. The Defendant did not process Mr. Lauper's application for rental and never responded to his request for reasonable accommodation, denying him such accommodation in violation of G.L. c. 151B, § 4.

18. The Defendant engaged in discriminatory and unlawful conduct by refusing to rent to Mr. Lauper and failing to grant Mr. Lauper's request of reasonable accommodation.

**PRAYER FOR RELIEF**

WHEREFORE, the Commonwealth of Massachusetts requests that this Court:

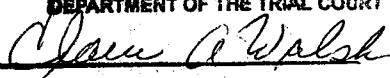
- (a) Declare that the Defendant violated G.L. c. 151B, § 4;
- (b) Enter a permanent injunction enjoining the Defendant from engaging in discriminatory acts or violating G.L. c. 151B, § 4;
- (c) Order the Defendant to take affirmative steps to ensure that such unlawful and discriminatory conduct does not recur;
- (d) Award compensatory, punitive, and exemplary damages to James Lauper.
- (e) Award attorneys' fees and costs; and
- (f) Order such other relief as this Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY.

By the Plaintiff:

I HEREBY ATTEST AND CERTIFY ON  
JAN. 15, 2008 THAT THE  
FOREGOING DOCUMENT IS A FULL,  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE,  
AND IN MY LEGAL CUSTODY.

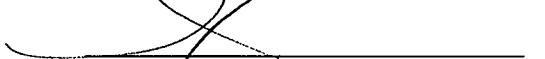
MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

  
ASSISTANT CLERK.

Dated: November 5, 2007

COMMONWEALTH OF MASSACHUSETTS

MARTHA COAKLEY  
ATTORNEY GENERAL

  
Sheila Creaton Kelly BBO No. 647238  
Assistant Attorney General  
Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108  
(617) 727-2200

CIVIL ACTION COVER SHEET	Trial Court of Massachusetts SUPERIOR COURT DEPARTMENT County: Suffolk	Docket Number 07-4871 - E
PLAINTIFF(S) <i>Commonwealth of Mass</i>	DEFENDANT(S) <i>Equity Residential Management, LLC</i>	
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE Sheila Creighton Kelly - AAG - Office of Attorney General 1 Ashburton PL Boston MA 02108 (617) 727-2200 Board of Bar Overseers number: 647238 X2920	ATTORNEY (if known) - Lisa Lieb Equity Residential - Legal 2 North Riverside Plaza, Suite 400 Chicago IL 60601	

## Origin code and track designation

Place an x in one box only:

<input checked="" type="checkbox"/> 1. F01 Original Complaint	<input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)
<input type="checkbox"/> 2. F02 Removal to Sup.Ct. c. 231, s.104 (Before trial)	<input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/ Order (Mass.R.Civ.P. 60) (X)
<input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)	<input type="checkbox"/> 6. E10 Summary Process Appeal (X)

CODE NO. **TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)**  
 TYPE OF ACTION (specify) **TRACK** **IS THIS A JURY CASE?**

D99 Housing Discrimination (F) (✓) Yes ( ) No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

(Attach additional sheets as necessary)

## A. Documented medical expenses to date:

1. Total hospital expenses .....	\$ .....
2. Total Doctor expenses .....	\$ .....
3. Total chiropractic expenses .....	\$ .....
4. Total physical therapy expenses .....	\$ .....
5. Total other expenses (describe) .....	\$ .....

## B. Documented lost wages and compensation to date .....

## C. Documented property damages to date .....

## D. Reasonably anticipated future medical and hospital expenses .....

## E. Reasonably anticipated lost wages .....

## F. Other documented items of damages (describe) .....

## G. Brief description of plaintiff's injury, including nature and extent of injury (describe)

MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

2011 MAY - 5 P.M. \$ 23

Subtotal

TOTAL: \$ .....

CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

TOTAL \$ .....

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods." Mandatory Housing Discrimination Case under 151B  
Signature of Attorney of Record James A. Walsh DATE: 1/5/08

A.O.S.C. 2003

I HEREBY ATTEST AND CERTIFY ONJAN. 15, 2008 THAT THE

FOREGOING DOCUMENT IS A FULL,  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE,  
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

James A. Walsh

ASSISTANT CLERK.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
CIVIL ACTION NO.

07-4871-E

COMMONWEALTH OF  
MASSACHUSETTS,

Plaintiff,

v.

EQUITY RESIDENTIAL MANAGEMENT,  
LLC,

Defendant.

11/5/07  
Filed & Allowed  
By the Court  
(Hines, J.)  
Attest  
Martha Coakley  
Atty. Gen.

**PLAINTIFF'S MOTION TO APPOINT SPECIAL PROCESS SERVER**

Plaintiff, the Commonwealth of Massachusetts, respectfully moves this Court to appoint Quinton Dale, Director of the Investigation Division of the Attorney General's Public Protection Bureau, or his successor or designee, to serve the summons, complaint, and all other papers of this action upon the defendants. Quinton Dale, his successor, or his designee is a qualified person over the age of eighteen and is not a party in this action. As grounds for this motion, plaintiff states that the need for immediate service warrants this appointment.

WHEREBY ATTEST AND CERTIFY ON

JAN. 15, 2008 THAT THE

FOREGOING DOCUMENT IS A FULL,  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE,  
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

*Michael J. Donovan*

ASSISTANT CLERK.

Dated: November 5, 2007

By the Plaintiff:  
MARTHA COAKLEY  
ATTORNEY GENERAL

*Sheila Creaton Kelly*  
Sheila Creaton Kelly (BBO No. 647238)  
Assistant Attorney General  
Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108  
(617) 727-2200

## Commonwealth of Massachusetts

4

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION

No. 07-4871-E

Commonwealth of Massachusetts, Plaintiff(s)

2007 DEC 17 PM 2:33

v.

Equity Residential Management, LLC, Defendant(s)

## SUMMONS

To the above-named Defendant: Equity Residential Management, LLC.

You are hereby summoned and required to serve upon Sheila Creaton Kelly, Assistant Attorney General, Office of the Attorney General

plaintiff's attorney, whose address is One Ashburton Pl., Boston, MA 02108, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

NOTICE TO DEFENDANT — You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

Witness, Barbara J. Rouse, Esquire, at Boston, the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord two thousand 2007.

*Michael Joseph Donovan*

Clerk/Magistrate

## NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED  
(1) TORT (2) MOTOR VEHICLE TORT (3) CONTRACT (4) EQUITABLE RELIEF (5) OTHER

FORM CIV.P. 1 3rd Rev.

I HEREBY ATTEST AND CERTIFY ON

JAN. 15, 2008 THAT THE

FOREGOING DOCUMENT IS A FULL,  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE,  
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

By Clara A. Walsh

ASSISTANT CLERK.

Commonwealth of Massachusetts

SUFFOLK, ss.

**SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION  
No. 07-4871-E**

Commonwealth of Massachusetts  
\_\_\_\_\_  
Plff(s)

•

Equity Residential Management, LLC, Deft(s).

## SUMMONS

(AFFIX FILING STAMP HERE)

N.B. TO PROCESS SERVER:-  
PLEASE PLACE YOU MAKE SERVICE ON DEFENDANT IN  
THIS BOX ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

I hereby certify and return that on 01/01/2000, I served a copy of the within summons, together with a copy of the complaint in this action, upon the witness-named defendant, in the following

## PROOF OF SERVICE OF PROCESS

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION No. ~~04-5100-H~~

\_\_\_\_\_  
COMMONWEALTH OF MASSACHUSETTS, )  
Plaintiff )  
vs. )  
EQUITY RESIDENTIAL MANAGEMENT, LLC, )  
Defendant )  
\_\_\_\_\_

2007 DEC 17 PM 2:33  
SUFFOLK SUPERIOR COURT  
CLERK'S OFFICE  
REGISTRATION  
DEPARTMENT  
MONIQUE  
HADDEN  
REGISTRAR

**AFFIDAVIT OF SERVICE**

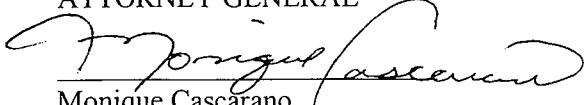
I, Investigator Monique Cascarano, of the Investigations Division of the Public Protection and Advocacy Bureau of the Office of the Attorney General, state under oath that I served the Summons and Complaint in the above-captioned matter on defendant pursuant to Rule 4(d)(2) of the Massachusetts Rules of Civil Procedure as follows:

1. On Tuesday, December 4, 2007, I mailed a copy of the Summons and Complaint Return Receipt Requested to Attorney Lisa Leib, Equity Residential Management, LLC, 2 North Reiverside Plaza, Suite 400, Chicago, IL, 60606.
2. The Return Receipt (see attached) was returned to me on, Monday, December 17, 2007. C. Hadden signed for the package on Monday, December 10, 2007.

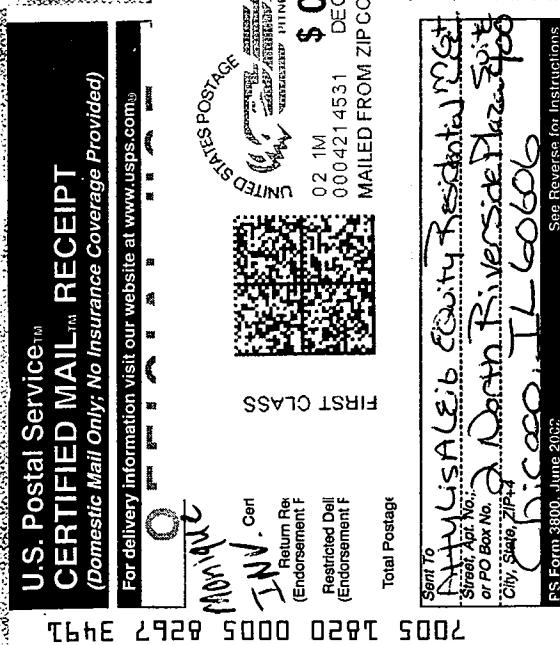
FOR THE COMMONWEALTH

MARTHA COAKLEY  
ATTORNEY GENERAL

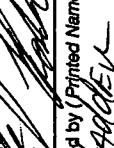
By:

  
Monique Cascarano  
Investigator  
Investigations Division  
Public Protection and  
Advocacy Bureau  
Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108  
(617) 727-2200

DATE: December 17, 2007



**COMPLETE THIS SECTION ON DELIVERY**

A. Signature		<input checked="" type="checkbox"/> Agent
B. Received by (Printed Name)		<input type="checkbox"/> Addressee
C. Date of Delivery		

D. Is delivery address different from item 1?  Yes  No

If YES, enter delivery address below:



Case 1:08-cv-10002-RCL Document 1 Filed 01/03/2008 Page 1 of 11

*Suffolk Superior Civil # 07-4871 ✓*

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS, )  
  )  
Plaintiff, )  
  )  
v. )  
  )  
EQUITY RESIDENTIAL MANAGEMENT, LLC, )  
  )  
Defendant. )

NOTICE OF REMOVAL

2008 JAN 10 PM 12:00

Pursuant to 28 U.S.C. §§ 1441, 1446, defendant Equity Residential Management, LLC ("Equity") removes the Massachusetts state court civil action, *Commonwealth of Massachusetts v. Equity Residential Management LLC*, Middlesex Superior Court, C.A. No. 07-4871-E, to this Court. Copies of all process, pleadings and orders served upon defendant are attached as Exhibit A. The state court action is removable to this court under 28 U.S.C. § 1441(a), diversity of citizenship. A more detailed statement of the grounds for removal follows:

1. Lauper claims unlawful housing discrimination based on his alleged disability in violation of Mass. Gen. Laws ch. 151B, §§ 5, 9 and ch. 12, § 10. Lauper contends that he is disabled due to a heart condition and diabetes and requires two companion dogs and that Equity failed to respond to his application for an affordable rental unit at the Emerson Building at 5 Longfellow Place in Boston because of his alleged disability.

2. Equity is a Delaware corporation with a principal place of business in Chicago, Illinois.



3. The Commonwealth seeks compensatory damages for Lauper arising out of the alleged discriminatory refusal to rent him an apartment, punitive damages, exemplary and attorneys' fees. There is thus more than \$75,000 in controversy in this action.

3. Pursuant to 28 U.S.C. § 1332(a), this Court has original jurisdiction of this matter as a suit between citizens of different states with the amount in controversy exceeds \$75,000.

4. Equity's Notice of Removal is filed within 30 days after receipt by Equity of the Commonwealth's Complaint.

WHEREFORE, Equity requests that this Court retain jurisdiction of this action under 28 U.S.C. §§ 1441, 1446.

EQUITY RESIDENTIAL MANAGEMENT,  
LLC,

By its attorneys,

/s Christa von der Luft  
Christa von der Luft (BBO# 600362)  
Nutter, McCennen & Fish, LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02210  
(617) 439-2000

Date: January 3, 2008

1696715.1

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT  
C.A. No. 07-4871-E

COMMONWEALTH OF MASSACHUSETTS, )

)

Plaintiff, )

)

v. )

)

EQUITY RESIDENTIAL MANAGEMENT )  
LLC, )

)

Defendant. )

NOTICE OF NOTICE OF REMOVAL

2008 JAN 10 PM12:03

CLERK'S OFFICE  
CLERK OF THE COURT

Defendant Equity Residential Management LLC hereby files with the Clerk of this Court a copy of its Notice of Removal, attached hereto as Exhibit A, filed in the United States District Court for the District of Massachusetts on January 3, 2008.

EQUITY RESIDENTIAL  
MANAGEMENT LLC,

By its attorneys,

*Christa von der Luft*  
Christa von der Luft (BBO# 600362)  
Nutter, McCennen & Fish, LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02210  
(617) 439-2000

Date: January 9, 2008

1696861.1

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the attorneys of record for each party by mail/by hand

Date: 1/9/08 *Christa von der Luft*